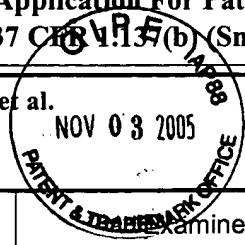


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Ifw

Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.35(b) (Small Entity)	Docket No. Diamond.1002
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In Re Application Of: **CHRISTIAN, et al.**

Application No. 09/776,318	Filing Date February 2, 2001	Examiner Thanh Lam	Customer No. 26812	Group Art Unit 2834	Confirmation No. 9344
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Invention: **COMPRESSION JOURNAL**

Attention: Office of Petitions
Mail Stop Petition
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

- NOTE: A grantable petition requires the following items:
- (1) Petition fee;
 - (2) Reply and/or issue fee;
 - (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
 - (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified Office Action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____
2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____
3. ☒ Applicant claims small entity status. See 37 CFR 1.27

11/04/2005 NNGUYEN1 00000022 09776318
 01 FC:2453 750.00 OP
4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.
5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.
6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.
Diamond.1002

In Re Application Of: **CHRISTIAN, et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/776,318	February 2, 2001	Thanh Lam	26812	2834	9344

Invention: **COMPRESSION JOURNAL**

Calculation and Payment of Fees

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for amendment in the amount of: _____
9. ☐ Fee for extension of time to reply to Office Action in the amount of: _____
10. ☐ Issue fee in the amount of: _____
11. ☐ Continuing application filing fee in the amount of: _____
12. ☐ Terminal disclaimer fee in the amount of: _____
13. ☐ _____
- Total fees enclosed: \$750.00

The fee of **\$750** is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **08-1391**
- ☒ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

**Docket No.
Diamond.1002**

In Re Application Of:
CHRISTIAN, et al.

Application No. 09/776,318	Filing Date February 2, 2001	Examiner Thanh Lam	Customer No. 26812	Group Art Unit 2834	Confirmation No. 9344
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Invention: **COMPRESSION JOURNAL**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

See APPENDIX A attached.


Signature

Todd A. Sullivan, Reg. No. 47,117

**Please associate this application with Customer
No. 26812**

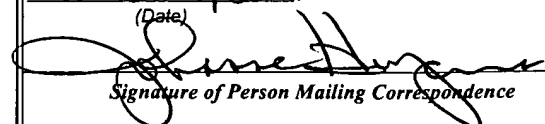
Dated:

11/1/05

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

November 1, 2005

(Date)



Signature of Person Mailing Correspondence

Johanne Hrycuna

Typed or Printed Name of Person Mailing Correspondence

cc: jah

Appln. of: CHRISTIAN, *et al.*

Filed: February 2, 2001

U.S. Serial No. 09/776,318

Docket: DIAMOND.1002

**APPENDIX A**

The present application was originally filed in February 2001. The attorneys of record at the time of the filing, Pearson and Pearson, were fired as of July 2001, although nothing was filed with the United States Patent and Trademark Office ("USPTO") to either affect their power of attorney or to alter the correspondence address. In March of 2002, a restriction was mailed to Pearson and Pearson. The restriction was forwarded to the application assignee, Diamond Antenna and Microwave Corp., more specifically to the President of Diamond Antenna and Microwave Corp, Jeffrey T. Gilling. Mr. Gilling responded to the restriction via facsimile on April 24, 2002. The response to the restriction was properly received by the USPTO and entered into record. The response to the restriction further contained a change to correspondence address. The change to correspondence address was not entered into record and, further, the examiner did not comment on the change of correspondence address to explain why it was not recorded. According to USPTO records, on June 18, 2002, an office action was mailed to Pearson and Pearson. Pearson and Pearson deny receiving the correspondence from the USPTO. Pearson and Pearson admit that no office action was ever forwarded to the patent application assignee. According to USPTO records, on February 25, 2003, a Notice of Abandonment was mailed to Pearson and Pearson. Pearson and Pearson deny receiving the notice from the USPTO. Pearson and Pearson admit that they never forwarded a Notice of Abandonment to the assignee. The assignee, based on their filing of the change of correspondence address, anticipated future office actions would be mailed to its place of business. The assignee did not hire another attorney to prosecute the case until October 18, 2005, when Attorney Todd A. Sullivan (Reg. No. 47,117) was asked to look into the case and, specifically, determine why they had not heard anything regarding the application. Attorney Sullivan learned through Public PAIRS that the case had gone abandoned and immediately began working with the assignee to prepare an office action response and the present petition. At no time did the assignee intend or desire to abandon the present application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Signature:

A handwritten signature in black ink, appearing to read "Jeffrey T. Gilling".

Jeffrey T. Gilling
President

Diamond Antenna & Microwave Corp.

Dated:

1 NOV 05

DIAMOND.1002



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: CHRISTIAN, *et al.*
SERIAL NO: 09/766,318
FILED: February 2, 2001
FOR: COMPRESSION JOURNAL

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE
INTEREST AND REVOCATION OF PRIOR POWERS**

As assignee of record of the entire interest of the above-identified application, all powers are hereby revoked and the following attorneys are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

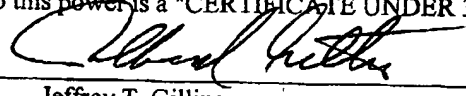
HAYES SOLOWAY P.C., a firm composed of Oliver W. Hayes, Reg. No. 15,867; Norman P. Soloway, Reg. No. 24,315; Ashley L. Kirk, Reg. No. 51,261; Todd A. Sullivan, Reg. No. 47,117; Walter P. Opaska, Reg. No. 54,349 or any of them, of 175 Canal Street, Manchester, New Hampshire 03101 (Telephone: 603-668-1400) and, 3450 E. Sunrise Drive, Suite 140, Tucson, Arizona 85718 (Telephone: 520-882-7623).

Please direct all future correspondence in connection with this application to the attention of Todd A. Sullivan, HAYES SOLOWAY PC, 175 Canal Street, Manchester, New Hampshire 03101 (Telephone: 603-668-1400). Please direct telephone calls to Todd A. Sullivan.

Diamond Antenna & Microwave
(Type or print identity of assignee of entire interest)
59 Porter Road
Address
Littleton, MA 01460

- ☒ Recorded in U.S. Patent Office on February 2, 2001 Reel 11524 Frame 0438
☐ Recorded herewith

Attached to this power is a "CERTIFICATE UNDER 37 CFR 3.73(b)."

Signature:  Date: 1 NOV 05
Name: Jeffrey T. Gilling Title: President
(type or print name and title of person authorized to sign on behalf of assignee)

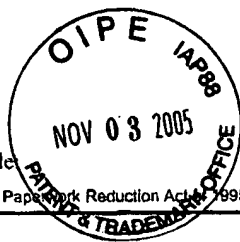
Doc Code

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/96 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Diamond Antenna & MicrowaveApplication No./Patent No.: 09/776,318Filed/Issue Date: February 2, 2001Entitled: COMPRESSION JOURNALDiamond Antenna & Microwave, a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 011524, Frame 0438, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☐ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., a true copy of the original assignment document (s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Jeffrey T. Gilling

Printed or Typed Name

President

Title

1 NOV 05978-486-0039 x 105

Telephone number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETE D FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.